

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

March 30, 2021

Nathan Ochsner, Clerk of Court

United States of America

v.

Maria Dolores Botello-Morales, Esteban H. Toribio,
Edgar Adrian Botello,
Arian Botello, and
Yudy Lucatero

Case No. 4:21mj679

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 18 U.S.C. §1591(a) and (b) and
Title 18 U.S.C. 1594(c)

Offense Description

Sex Trafficking of a minor or by force fraud or coercion and Conspiracy to
commit Sex Trafficking.

This criminal complaint is based on these facts:

See attached affidavit in support of this Criminal Complaint

☒ Continued on the attached sheet.

Juanee S. Johnson
Complainant's signature

Juanee S. Johnson, Special Agent, HSI

Printed name and title

Sworn to before me telephonically.

Date: March 30, 2021

Frances H. Stacy
Judge's signature

City and state: Houston, Texas

United States Magistrate Judge Frances H. Stacy

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Juanae J. Johnson, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI) assigned to the Houston, Texas office. I have been so employed since August of 2004. I have been assigned to the Human Trafficking Rescue Alliance since 2017, prior to this assignment, your Affiant was assigned to the Cyber Crimes Investigations Group where she was tasked with investigations related to the sexual exploitation of children. During this time, your Affiant investigated more than 100 cases involving the sexual exploitation of children. Your Affiant has obtained specialized training in the sexual exploitation of children, international and domestic sex trafficking, computer evidence handling and other police matters, and has participated in various HSI operations involving the enforcement of sex trafficking as defined in 18 U.S.C. § 1591(a). I have also participated in the execution of numerous search warrants most of which involved child exploitation and/or child pornography offenses.
2. This Affidavit is made in support of a criminal complaint charging MARIA Botello, EDGAR Botello, ARIAN Botello, YUDY Lucatero and ESTEBAN Toribio with violations of Title 18 U.S.C. §1591(a) and (b), Sex trafficking of children or by force, fraud, or coercion, and conspiracy to commit Sex Trafficking a violation of Title 18 U.S.C. 1594(c). 18 U.S.C. 1591 states:
 - (a) Whoever knowingly—
 - (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or
 - (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act,

or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act;

3. The information in this affidavit is based upon my own knowledge, records furnished to me in my official capacity and information provided by other law enforcement officials. This affidavit does not contain every material fact that I have learned during the course of this investigation and is intended to show only that there is sufficient probable cause for the criminal complaint.
4. On 10/29/2020, Investigators with Texas Alcohol Beverage Commission (TABC) and the Houston Police Department (HPD) conducted an undercover operation at Puerto Alegre, a bar licensed to serve alcohol, located at 2225 McCarty St, Houston, TX 77049. Officers with TABC and the HPD entered the location to conduct an arrest of those involved in illegal prostitution. During the undercover operation officers made a date for commercial sex with an adult female, identity known to law enforcement, hereinafter referred to as Adult Victim 1 (AV1).
5. TABC Agent Erasmo Esteves interviewed AV1. AV1 stated she was looking for work and came upon the location where she was hired as a waitress. AV1 stated that before she knew it, she was forced into prostitution. AV1 told Agent Esteves how the system worked. Maria Botello (MARIA), the bar matron, would speak with the Johns (term commonly used to describe persons who purchase commercial sex) and set up the date and time of when the sex act was to be done. MARIA would then call the female employees and inform them of their appointments. AV1 stated the bar was open from Thursday through Sunday from 4:00 pm to 2:00 am. She advised Agent Esteves that approximately 15 females worked for MARIA with age ranges from approximately 22 years of age to 52 years of age. AV1 stated that each John paid \$70 for every 15 minutes with the girls.
6. AV1 stated that Edgar Botello (EDGAR), MARIA's son, also worked in the business. AV1 stated that EDGAR pulled a gun on AV1 and stated if AV1 did not do as AV1 was told and work as a prostitute, AV1 or her daughter would be hurt. AV1 stated that EDGAR was the enforcer but that EDGAR had not been around for a while so Arian Botello (ARIAN), his cousin, was put in charge of

enforcing MARIA's orders.

7. After being recovered from the bar, AV1 was interviewed by a forensic interviewer with Texas Forensic Nurse Examiners. AV1 stated she began working at Puerto Alegre in 2016, as a waitress. After three months working as a waitress, AV1 was told by MARIA that AV1 was required to have sex with the Johns at the bar. When AV1 refused to have sex with the Johns, MARIA began to threaten her by saying she would call the police or immigration because MARIA knew AV1 was illegally present in the United States. MARIA threatened to hurt AV1's family if AV1 did not comply, MARIA stated that her sons were capable of harming AV1's family, AV1 knew this to be true because she always saw the two men, EDGAR and ARIAN with firearms at the bar.
8. AV1 explained that she worked Thursday through Sunday from 4:00 pm to 2:00 am. MARIA would call her to "come be with" with her "friends." AV1 would take the men in the designated backrooms. ARIAN or EDGAR would be posted outside guarding the rooms and taking payment. AV1 would receive a condom wrapped in a paper towel from EDGAR or ARIAN and head into a room. The victims were instructed to spend no more than 15 mins in the room with the men, at which time there would be a knock on the door by EDGAR or ARIAN to let them know the time was up. AV1 would receive \$65.00 or \$70.00 from the client, get dressed, come out of the room and pay the guard \$25.00 or \$30.00 for the rental of the room. AV1 was required to put the used condom in a separate bag held by MARIA.
9. AV1 stated that for the duration of the time she worked there she would "be with" 4-5 Johns per night. If she did not want to come into work that night, she would have to pay \$20.00- \$40.00 for every missed day or late arrival. On one occasion, AV1 stated she did not want to have sex with a particular client. In response to AV1's refusal EDGAR took the firearm he kept outside the room and pointed it to AV1's head forcing AV1 into the room to engage in commercial sex.
10. AV1 stated that when she told MARIA that she no longer wanted to continue to have sex with the clients, MARIA sent a woman to beat her up. AV1 showed investigators photos of the black eye and her bruised face which resulted from the

beating. After the beating, MARIA told AV1 that AV1 better come the next time she is called, or it will happen again.

11. AV1 felt trapped and began to document the activities taking place in the bar's back rooms. AV1 gave investigators two videos she recorded on her phone.
 - a. IMG_0319.MOV: Depicts EDGAR seated at a table on a couch with paper towels and watching a cell phone. EDGAR gets up to knock on the door and sits back down.
 - b. IMG_0320.MOV: Depicts an adult female and an adult male coming out of the room where EDGAR knocked on door. The adult female has a wadded up white paper towel in her hand, she pays EDGAR and walks away. Another adult female walks up to EDGAR with an adult man, EDGAR puts something inside of a wad of paper towels and hands it to the adult female. The adult female and adult male enter the room the previous two left out of. (Based on AV1's statement the item inside the paper towel is believed to be a condom.)
 - c. IMG_1164.MOV: Depicts a room full of people having a discussion. AV1 explains that this video is an employee meeting where MARIA and Yudy Lucatero (YUDY), MARIA's daughter are discussing the payment procedures and rules of the bar, ARIAN and EDGAR were also present.
12. While conducting the undercover operation, TABC Investigators observed the layout of the Puerto Alegre bar. Upon entering into the front of the bar, there is a main open area, towards the far left there is an L shaped bar with displayed alcohol bottles lined with bar stools. Towards the far right is a doorway leading outside to the patio area. Visible from the patio there is an additional structure. This structure has an open common area housing a couch, table, a large Santa Muerte shrine, chairs lining the back wall and a bathroom. Additionally, there are three private rooms each containing a mattress on top of a box spring.
13. Following the operation, at Puerto Alegre, on October 29, 2020, Univision Television aired a news story covering the operation and arrests of those involved. Due to the coverage, Minor Victim 1, DOB 07/14/1989 (MV1) (identity known to law enforcement), reached out to the Univision Television Network to speak to

someone regarding her involvement with the Puerto Alegre Bar. Univision Television Network contacted TABC and MV1 was put in contact with TABC Investigators Costanza and Pereyra.

14. On Friday February 26, 2021, Investigator Costanza, along with your affiant, and Victim Assistance Specialist Tyeshia Miller-Williams, met MV1 at the Texas Forensic Nurse Examiner's Office. A forensic interview was conducted, and the following was learned;
15. MV1 has been present in the United States for approximately 13 years. MV1 was brought from Matamoros, Mexico in 2007, to the United States when she was 17 years old. MV1's cousin in Mexico was friends with MARIA's daughter and told MV1 that MARIA was looking for pretty girls to come and work in a restaurant she owned in Houston, Texas. MV1 was told that she did not have to worry about the fees to get to the United States and MARIA and her husband Esteban Toribio (ESTEBAN) would cover the fees.
16. Upon MV1's arrival into the United States, MV1 was picked up from the smugglers in Texas by MARIA and ESTEBAN. MV1 was taken to purchase clothes and makeup and made to work the next day at the bar. MV1 was told that she would be waitress at Puerto Alegre, which MV1 was for approximately 1 month. MV1 stated that after one month both MARIA and ESTEBAN told her that she would be required to engage in sex with the men at the bar. MV1 was 17 years old the entire time she was caused to engage in commercial sex.
17. MV1 was caused to engage in commercial sex with three men during her three months working at Puerto Alegre. MV1 remembers two of the men's first names, Elvis and Archdis. On each occasion, MARIA set up the date and collected the money from the men MV1 was caused to engage in commercial sex with. MARIA gave MV1 a condom for each of the dates.
18. On March 4, 2021, Investigators Costanza, Pereyra, and your affiant met Adult Victim 2 (AV2) (identity known to law enforcement), at the Texas Forensic Nurse Examiners Office, for a forensic interview. AV2 provided the following information.
19. AV2 applied to be a waitress at Puerto Alegre, she was hired by MARIA and told

that she was to wait tables and drink beer with the patrons at the restaurant, working Thursday through Sunday. AV2 was not told about any of the back rooms when she applied to work at Puerto Alegre. AV2 was told to encourage the male clientele to purchase a beer for her for \$15.00 each.

20. Approximately 3 weeks after she began working, AV2 was told by MARIA that she was required to have sex with the clients in the back room. She was required to work Thursday through Sunday from 4:00 pm to 2:00 am, no exceptions. If she was late or needed to leave early, she would have to pay \$20.00. AV2 said after the fees she paid MARIA she was likely to leave each night making between \$200-\$250 per night.
21. After each date, AV2 was required to pay \$20.00 for the use of the room and some days a \$20.00 cleaning fee. AV2 stated that she and the other women engaging in commercial sex were required to tell the clients that there are rooms in the back to have sex and the fee was \$70.00. Each sexual encounter was to last between 15 and 20 minutes. AV2 stated that some of the men were mean, but it did not matter because there was always someone outside the door, either EDGAR or ARIAN. EDGAR told AV2 that if she didn't have sex with the clients AV2 knew "what would happen". Additionally, MARIA threatened to call Immigration officials if AV2 did not engage in commercial sex.
22. AV2 stated the commercial sex acts followed a sequence of events: First, on the way to the room with the Johns the AV2 received a condom wrapped in paper towel from either EDGAR or ARIAN. Second, they would enter the room with the John and disrobe. Third, AV1 would put the condom on the John, and tell them they have 15-20 minutes. After the commercial sex act was completed, they would get dressed, receive payment and exit the room. Upon leaving the room, AV2 would pay EDGAR or ARIAN, and give the used condom to MARIA.
23. During AV2's time working at Puerto Alegre, she stated she was constantly in fear. EDGAR always had a gun on the table outside of the rooms they took the clients in to have sex, she felt that if she did not comply she would be shot, she only thought of her kids and the possibility of leaving them motherless.
24. Based on my knowledge, training, and experience, I know traffickers will use

females to help establish credibility and believability to their propositions when recruiting female victims. I know traffickers use mental abuse, the threat of or actual physical violence, sexual abuse, drug dependency, the threat of arrest or even deportation as a means to control their victims and to establish and maintain a psychological dependency. Traffickers will often seize identification documents, travel papers such as, passports or visas, any credit cards or bankcards of their victims as a means to maintain control and compliance. Traffickers will isolate their victims and control their movements and contact with other individuals. Traffickers who place their victims in debt bondage regularly maintain some type of physical and/or electronic record of the debt and payments made towards the debt. The records will be maintained somewhere where the trafficker controls access such as their residence and/or vehicle.

25. Based on the information delineated above, I respectfully submit that there is probable cause to believe that Maria Botello, Edgar Botello, Arian Botello, Esteban Toribio and Yudy Lucatero, have each aided and abetted each other in committing the offenses of Sex Trafficking and conspiracy to commit Sex Trafficking under Title 18 U.S.C. § 1591(a), and Title 18 U.S.C. § 1594 (c), in the Southern District of Texas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Juan S. Johnson".

Juan S. Johnson
Special Agent
United States Department of
Homeland Security
Homeland Security Investigations

Subscribed and sworn telephonically on March 30, 2021, at Houston, Texas and I find probable cause.

A handwritten signature in black ink, appearing to read "Frances H. Stacy".
Honorable Frances H. Stacy
United States Magistrate Judge